

ORDINANCE 1610

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AMENDING NORTH BEND MUNICIPAL CODE (NBMC) CHAPTER 18.50 LOW IMPACT DEVELOPMENT DEMONSTRATION PROJECTS

WHEREAS, RCW 36.70.A.040 requires the City of North Bend to prepare a Comprehensive Land Use Plan under Growth Management Act (GMA) and to implement the plan with development regulations, including the zoning code, which are consistent with the plan; and

WHEREAS, RCW 36.70.A.130(4)(a) requires that the City of North Bend Comprehensive Land Use Plan and development regulations, including the zoning code, shall be subject to continuing review and evaluation by the City; and

WHEREAS, in an effort to best maintain the existing quality of life and health of the natural environment, the City intends to guide new development and redevelopment towards environmentally and economically sustainable approaches through implementation of Low Impact Development (LID) practices; and

WHEREAS, in 2009 this chapter of the NBMC was originally written to apply to the forested, underdeveloped property on the south side of I-90 off Ribary Way which is now being purchased for a park and trailhead and will not be developed; and

WHEREAS, in January 2016 (and amended June 2016) the City rezoned various properties in the City and UGA to Constrained Low Density Residential (CLDR) – 2 units per acre instead of 4 units per acre and now desires to apply Chapter 18.50 LID on a new CLDR zoned area located north of SE 140th Street and east of Wood River (parcels 1323089035, 1323089037 and 5547560290); and

WHEREAS, the proposed LID site has a density that is well suited for maximizing tree retention, and is in an area with very porous soils, ideal for facilitating the use of LID stormwater techniques; and

WHEREAS, NBMC Amendments to Chapter 18.50 were submitted to the Washington State Department of Commerce for review on August 17, 2016; and

WHEREAS, on August 24, 2016 the City of North Bend issued a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) for the non-project amendment to the NBMC and the City received no comments on the SEPA DNS; and

WHEREAS, on August 25, 2016 the Planning Commission held public hearing and ultimately recommended to the City Council approval of the amendments to NBMC Chapter 18.50; and

WHEREAS, the Council finds that the proposed NBMC amendments address and are consistent with the requirements of the Growth Management Act; and

WHEREAS, the City followed the procedural requirements of the NBMC Chapter 20.09 to notify and advertise amendments of the Code to the public and interested agencies;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council adopts amendments to NBMC Chapter 18.50, Low Impact Development Demonstration Projects, in the form attached hereto as Exhibit A.

Section 2. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 6TH DAY OF DECEMBER, 2016.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: December 14, 2016
Effective: December 19, 2016

Susie Oppedal, City Clerk